

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17661

REGULATORY PROJECT MANAGER: Hudson

Date: 28 September 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: (Y/N)

Date: 28 September 2005

Date: \_\_\_\_\_

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29 33'11"N 95 09'30"

Approximate Size of Site/Property (Including Uplands & in Acres)

2.28

Name of Waterway or Watershed

Clear Creek

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to on-site, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Site is located outside of the 100-year floodplain, with no direct hydrological surface connections to a known water of the United States and no known nexus to interstate commerce.

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**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D-17434

REGULATORY PROJECT MANAGER: Dwayne Johnson

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project Site        (Y/N)

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Date: 10/18/2005

Date: 10/18/2005

Date:       

Texas

Harris

29° 54' 29"N, 95° 36' 46"W

45.26

Buffalo/San Jacinto

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				XXXXXXXX					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXXX
Is or would be used as habitat for endangered species?					XXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary        or Approved XXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): All of the wetlands are isolated with no known nexus to interstate commerce.

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**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**

CESWG

**FILE NUMBER:**

D-15985(01)

**REGULATORY PROJECT MANAGER:**

John Wong

Date: 31 Oct 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office Y (Y/N)

Date: 31 Oct 2005

At the project site N (Y/N)

Date:

**PROJECT LOCATION INFORMATION:**

State:

Texas

County:

Cameron

Center coordinates of site by latitude & longitudinal coordinates:

26-03-47/97-31-47

Approximate size of site/property (including uplands & in acres):

100 acres

Name of waterway or watershed:

Resaca de los Cuates

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)							X (resaca or oxbow lake)		

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary      Or Approved X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** Remnant resaca portion drains south, away from Resaca de los Cuates; onsite field work conducted by applicant upon request.

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**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D-17443

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 11/28/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project Yes (Y/N)

Date: 11/28/2005

Date: 8/11/2005

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Texas

Harris

30° 00' 05"N, 95° 47' 10"W

523

Spring Creek Watershed

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands					XXXXXXX				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds			XXXXXX						

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXX
Is or would be used as habitat for endangered species?					XXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to on-site, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary \_\_\_\_\_

or Approved XXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Wetlands are isolated with no nexus to interstate commerce. Drainage ditches are man made irrigation systems

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D-17656

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 12/5/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project YES (Y/N)

Date: 12/5/2005

Date: 10/20/2005

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Texas

Harris

29° 34' 58"N, 95° 01' 40"W

22.6

West Galveston Bay

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond				XXXXXX					
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXX
Is or would be used as habitat for endangered species?					XXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved XXXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Wetlands are isolated with no nexus to interstate commerce

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**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D11226/01

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 12/7/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office yes (Y/N)  
 At the Project Site yes (Y/N)

Date: 12/7/2005

Date:                     

**PROJECT LOCATION INFORMATION:**

State:

Texas

County:

Jefferson

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

30° 07' 35"N, 94° 11' 19"W

Approximate Size of Site/Property (Including Uplands & In Acres):

4.4

Name of Waterway or Watershed:

Pine Island Bayou

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		XXXXXX							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
		Pond							

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXX
Is or would be used as habitat for endangered species?					XXXX
Is used to irrigate crops sold in interstate commerce?					XXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary        or Approved XXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated stock pond and wetlands with no hydrological connections to another water of the US nor any nexus to interstate commerce.

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FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17212/1

REGULATORY PROJECT MANAGER: John Davidson

Date: 8 Dec. 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N) Date: 26 July 2005

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Orange

Center Coordinates of Site by Latitude & Longitude Coordinates

30-9-17.3878 N; 94-0-26.0903 W

Approximate Size of Site/Property (Including Uplands & in Acres)

23 Acres

Name of Waterway or Watershed

Lower Neches River

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce				X	

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: On the 1995 infrared aerial photo, a wetland signature is present on the tract, which was confirmed in the field. The wetland is located above the 500-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** CESWG

**FILE NUMBER:** D-18060

**REGULATORY PROJECT MANAGER:** John Wong **Date:** 13 Dec 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 13 Dec 2005  
 At the project site Y (Y/N) **Date:** 8/01; 11/04

**PROJECT LOCATION INFORMATION:**

State: Texas

County: Nueces

Center coordinates of site by latitude & longitudinal coordinates: 27-46-57/97-06-09

Approximate size of site/property (including uplands & in acres): 835 acres

Name of waterway or watershed: Corpus Christi Bay

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary X Or Approved   .

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Four small wetland areas situated between formal dredged material placement area and state highway.



**INFORMATION SHEET**  
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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston  
**FILE NUMBER:** D-18033

**REGULATORY PROJECT MANAGER:** Lloyd Mullins **Date:** 14 Dec 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office:** Y **Date:** 14 Dec 2005  
**At the project site**   (Y/N)   **Date:**           

**PROJECT LOCATION INFORMATION:**  
**State:** Texas  
**County:** Hidalgo  
**Center coordinates of site by latitude & longitudinal coordinates:** N26 18' 50.1538", W98 23' 58.4214"  
**Approximate size of site/property (including uplands & in acres):** .5  
**Name of waterway or watershed:** un-named

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	x								
Stock Pond									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    **Or** Approved x   .

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The water body is a livestock pond that is not associated with a navigable waterway.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D17517

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 12/15/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office yes (Y/N)  
 At the Project YES (Y/N)

Date: 12/18/2005

Date: 9/9/2005

**PROJECT LOCATION INFORMATION:**

State:

Texas

County:

Harri s

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

29° 59' 44"N, 95° 34' 09"W

Approximate Size of Site/Property (Including Uplands & In Acres):

92.9

Name of Waterway or Watershed:

Cypress Creek

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXX
Is or would be used as habitat for endangered species?					XXXX
Is used to irrigate crops sold in interstate commerce?					XXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved XXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Wetlands out of 100 yr. Floodplain w/o a hydrological connection or nexus to interstate commerce.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D17464

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 12/15/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office yes (Y/N)  
 At the Project YES (Y/N)

Date: 12/15/2005

Date: 9/9/2005

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Texas

Harri s

29° 59' 16"N, 95° 33' 55"W

338

Cypress Creek

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXX
Is or would be used as habitat for endangered species?					XXXX
Is used to irrigate crops sold in interstate commerce?					XXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary or Approved XXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Wetlands out of 100 yr. Floodplain w/o a hydrological connection or nexus to interstate commerce.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston  
**FILE NUMBER:** D-17769

**REGULATORY PROJECT MANAGER:** Marie Pattillo      Date: 28 Nov. 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**      In the office Y (Y/N)      Date: 28 Nov. 2005  
 At the project site    (Y/N) Date:                   

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: Cameron  
 Center coordinates of site by latitude & longitudinal coordinates: 28-25-22.03 97-45-8.38  
 Approximate size of site/property (including uplands & in acres): 30 acres  
 Name of waterway or watershed: Rio Grande

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				XXX					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary         Or      Approved X.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Contained within the project area are wetlands and a water feature which forms part of El Preseno Lake during flood conditions. El Preseno Lake is an isolated water body with no known nexus to interstate commerce, is not a water of the U.S. or subject to Section 404 of the Clean Water Act.

INFORMATION SHEET  
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17431

REGULATORY PROJECT MANAGER: Hoith

Date: 16 November 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
 At the project Site: (Y/N)

Date: 16 November 2005

PROJECT LOCATION INFORMATION:

State:

TX

County:

Brazoria

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 33' 08"N, 95° 23' 31"W

Approximate Size of Site/Property (Including Uplands & in Acres)

156

Name of Waterway or Watershed

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the site does not contain a tributary to a water of the United States. Therefore, any wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

INFORMATION SHEET  
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-17344

REGULATORY PROJECT MANAGER: Chris Wrbas  
2005

Date: 21 December

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N) Date: 21 December 2005

At the project Site: Y(Y/N) Date: 21 December 2005

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Chambers

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 45' 17"N, 94° 51' 44"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Trinity Bay

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers 1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.